

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 06-7446 CAS (Cwx)	<b>Date</b>	August 18, 2008
<b>Title</b>	JAYENDRA A. SHAH, M.D. v. COUNTY OF LOS ANGELES ET AL.		

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**Present: The Honorable** CHRISTINA A. SNYDER

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CATHERINE JEANG

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:**      **Defendants' Motion for Attorneys' Fees** (filed 07/15/08)

**Plaintiff's Motion for Reconsideration** (filed 07/30/08)

## I. INTRODUCTION AND BACKGROUND

Plaintiff filed the instant lawsuit against defendants alleging that the County of Los Angeles ("the County") and its employees, Charles Stewart, M.D. ("Stewart"), and Stephen Morris ("Morris"), discriminated against him on account of his race and/or national origin, and that they have retaliated against him in response to his criticizing the standard of medical care provided by the County. By order dated July 1, 2008, this Court granted summary judgment in favor of defendants. On that same day, the Court entered judgment in favor of defendants, and ordered that defendants were to recover their reasonable attorneys' fees.

On July 15, 2008, the County, Stewart, and Morris filed the instant motion for attorneys' fees. Plaintiff, proceeding pro se, filed his opposition thereto on August 1, 2008. Defendants filed their reply on August 6, 2008. A hearing was held on defendants' motion on August 11, 2008. Thereafter, the Court took the matter under submission. On July 30, 2008, plaintiff filed the instant motion for reconsideration of the Court's order dated July 1, 2008. On August 4, 2008, defendants filed their opposition thereto. Thereafter, the Court took plaintiff's motion under submission. After carefully considering the parties' arguments, the Court finds and concludes as follows.

## II. DISCUSSION

### A. PLAINTIFF'S MOTION FOR RECONSIDERATION

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Plaintiff seeks reconsideration of this Court's order dated July 1, 2008, granting summary judgment in favor of defendants.

Local Rule 7-18 sets forth the bases upon which this Court may reconsider a previous order. The Rule provides as follows:

A motion for reconsideration of the decision on any motion may be made only on the grounds of (a) a material difference in fact or law from that presented to the Court before such decision that in the exercise or reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision. No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.

L.R. 7-18.

Here, plaintiff has failed to show that there is any new evidence, change in the law, or that this Court failed to consider material facts presented to the Court. Therefore, the Court DENIES plaintiff's motion for reconsideration.

**B. DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

The County, Stewart, and Morris request attorneys' fees on the grounds that plaintiff's lawsuit against them was frivolous, unreasonable, vexatious, and groundless. In light of the protracted nature of this litigation, the fact that plaintiff repeatedly attempts to reassert claims alleged in prior federal and state court cases, and the unreasonableness of plaintiff's claims in the instant lawsuit, the Court finds that an award of attorneys' fees is appropriate.<sup>1</sup>

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<sup>1</sup> Plaintiff has not addressed the issues of whether the hourly rate or the number of hours expended by defendants' counsel is reasonable.

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Defendants' counsel, the law firm of Peterson & Bradford, LLP, represents that it charged defendants at an hourly rate of \$130 for the attorneys on this case. According to Peterson & Bradford, LLP, this \$130 hourly rate is below that charged by other attorneys in the Los Angeles legal market on similar matters, and is based upon the County's contracts and the Peterson & Bradford, LLP's long-standing relationship with the County. Defendants therefore request that the Court award attorneys' fees at an hourly rate of \$300, which they contend constitutes the prevailing hourly rate in the community.

Defendants do not state how much Peterson & Bradford, LLP generally charges other clients for the work of these attorneys on similar matters. Further, defendants have not provided this Court with any affidavits as to hourly rates charged by other attorneys practicing in the civil rights field. Nor have they provided a resume of the attorneys who worked on this case, or any other such supporting evidence. As such, the Court is unpersuaded that defendants' counsel is entitled to any multiplier. Based on the present record, it therefore appears that an hourly rate of \$130 is reasonable.

Defendants' counsel represents that a total of 1,249.10 hours was spent on this case (including in preparing the instant motion for attorneys' fees), which commenced on November 21, 2006. The Court finds that under the circumstances, this appears to be a reasonable number of hours.

Thus, defendants are entitled to and are hereby awarded total fees and costs in the amount of \$162,383.

### III. CONCLUSION

In accordance with the foregoing, the Court GRANTS defendants' motion for attorneys' fees. Defendants are hereby awarded fees and costs in the amount of \$162,383.

IT IS SO ORDERED.

Initials of Preparer

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CMJ